

UNITED STATES DISTRICT COURT
for
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Venue

**Request to Modify the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: David Charles Todhunter Docket No.: CR 05-00329-01 MMC

Name of Sentencing Judge: Maxine M. Chesney
United States District Judge

Date of Original Sentence: May 21, 2001

Original Offense:

Count 1: Possession of a Firearm, 18 U.S.C. § 922(g)(1), a Class C felony
Count 2: Felon in Possession of Ammunition, 18 U.S.C. § 922(g)(1), a Class C felony
Count 3: Possession of Marijuana, 21 U.S.C. § 844(a), a Class E felony

Original Sentence: 46 months custody; 3 years supervised release

On May 27, 2004, the Court took judicial notice that analysis of a sweat patch submitted by the offender revealed the presence of THC, indicating use of marijuana.

Jurisdiction was transferred to the Northern District of California on May 20, 2005

Special Conditions: special assessment \$100; drug treatment; access to financial information; not own or possess any firearms, ammunition, destructive devices, or other dangerous weapons

Type of Supervision: Supervised Release
Assistant U.S. Attorney: Michael Nerney

Date Supervision Commenced: March 2, 2004
Defense Counsel: None

Petitioning the Court

To modify the conditions of supervision as follows:

The following condition shall be added:

The defendant shall perform 200 hours of community service as directed by the probation officer.

Cause

Charge Number Violation

One There is probable cause to believe that the offender violated the statutory condition of supervision imposed in accordance with 18 U.S.C. §3583(d) that the defendant refrain from any unlawful use of a controlled substance in that he used marijuana. My belief is based on the following facts:

According to chronological recordings in the probation file, on October 20, 2004 U.S. Probation Officer Alton Dural instructed David Todhunter to participate in drug aftercare at Consolidated Tribal Health Project, Inc., in Redwood Valley, California. According to information from Consolidated Tribal Health, and laboratory reports from Clinical Reference Laboratory, analysis of sweat patches collected from Todhunter on December 2, 2004; December 30, 2004; March 24, 2005; March 31, 2005 and April 8, 2005 disclosed the presence of THC, indicating marijuana use.

It is my opinion, based upon my experience and training, and my knowledge of this offender and his history, that the U.S. Probation Office chronological recordings, the analysis provided by Clinical Reference Laboratory and the records of Consolidated Tribal Health are reliable and that a reasonable inference may be made from those records is that Todhunter used marijuana in violation of his conditions of supervision.

Since the positive sweat patch test results were discovered, Todhunter was directed to submit to urinalysis and the analysis of urine samples submitted thus far has not indicated any further use of marijuana. As a sanction for the alleged marijuana use, Todhunter has agreed to perform 200 hours of community service as directed by the probation officer.

The Assistant U.S. Attorney has been notified and there are no objections.

Address of offender: 1298 Locust Street #44
Willits, CA 95490

Respectfully submitted,

John P. Storm
John P. Storm
U.S. Probation Officer

Date Signed: July 5, 2005

Reviewed by:

Sharon K. Alberts
Sharon K. Alberts
Supervisory U.S. Probation Officer

THE COURT ORDERS:

To modify the conditions of supervision as follows:

The following condition shall be added: The defendant shall perform 200 hours of community service as directed by the probation officer.

- Submit a request for warrant
- Submit a request for summons
- Other:

Date

7/7/05

Maxine M. Chesney
Maxine M. Chesney
United States District Judge